

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 34213

STATE OF IDAHO,)	2008 Unpublished Opinion No. 468
)	
Plaintiff-Respondent,)	Filed: May 15, 2008
)	
v.)	Stephen W. Kenyon, Clerk
)	
JOSHUA BOSIER,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Third Judicial District, State of Idaho, Canyon County. Hon. Gregory M. Culet, District Judge.

Order denying I.C.R. 35 motion for reduction of sentence, affirmed.

Molly J. Huskey, State Appellate Public Defender; Sara B. Thomas, Chief, Appellate Unit, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

PER CURIAM

Joshua Bosier pled guilty to possession of a controlled substance. I.C. § 37-2732(c)(1). The district court sentenced Bosier to a unified term of five years, with a minimum period of confinement of two years. Bosier was placed on probation, which he violated on several occasions. The district court revoked Bosier's probation and ordered execution of the original sentence. Bosier filed an I.C.R 35 motion, which the district court denied. Bosier appeals.

A motion for reduction of sentence under I.C.R. 35 is essentially a plea for leniency, addressed to the sound discretion of the court. *State v. Knighton*, 143 Idaho 318, 319, 144 P.3d 23, 24 (2006); *State v. Allbee*, 115 Idaho 845, 846, 771 P.2d 66, 67 (Ct. App. 1989). In presenting a Rule 35 motion, the defendant must show that the sentence is excessive in light of new or additional information subsequently provided to the district court in support of the motion. *State v. Huffman*, 144 Idaho 201, 203, 159 P.3d 838, 840 (2007). Upon review of the record, including the new information submitted with Bosier's Rule 35 motion, we conclude no

abuse of discretion has been shown. Therefore, the district court's order denying Bosier's Rule 35 motion is affirmed.